

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of §
the Estate of RONALD TYRONE §
ROBY, Deceased, §

Plaintiff, §

v. §

BENTON EXPRESS, INC., et al., §

Defendants. §

CIVIL ACTION NO.
2:05cv494-B

PLAINTIFF'S SUPPLEMENT TO HER RESPONSE TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

COMES NOW the Plaintiff, by and through the undersigned counsel of record, and hereby supplements her response in opposition to Defendant's Motion for Summary Judgment by attaching the document attached hereto as Exhibit A. This document was produced by Defendant and contains the Bates number Benton 392. The document is entitled Benton Brothers Film Express, Drivers Time Sheet. Plaintiff specifically calls attention to the notation at the bottom of this exhibit where it is written "employee killed in traffic accident 4/11/05". Based on this document, there could be no doubt Craig Stephens was considered an employee of Benton at the time of the subject wreck.



LABARRON N. BOONE
Attorney for Plaintiff

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 (Telephone)
(334) 954-7555 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to all counsel of record as shown below on this the 1 day of February 2006.



OF COUNSEL

Gregory A. Brockwell
Brett A. Ross
Carr, Allison, Pugh, Howard, Oliver & Sisson, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, AL 35216